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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/423,273	11/04/1999	ANTONIUS A.C.M. KALKER	PHN-17.317	6551

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

SMITHERS, MATTHEW

ART UNIT	PAPER NUMBER
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2137

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DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/423,273

Applicant(s)

KALKER, ANTONIUS A.C.M.

Examiner

Matthew B Smithers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Europe on March 4, 1998. It is noted, however, that applicant has not filed a certified copy of European application 98200656.1 application as required by 35 U.S.C. 119(b).

### ***Allowable Subject Matter***

The indicated allowability of claims 5 and 10 are withdrawn in view of the newly discovered reference(s) to the step of embedding comprises repeating said watermark over the extent of the information signal. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,427,012 granted to Petrovic and further in view of U.S. patent 6,185,312 granted to Nakamura et al.

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Regarding claim 1, 6, 11, 12, 14 and 15, Petrovic teaches embedding auxiliary data (K) in an information signal (P), by shifting one or more predetermined watermark patterns ( $W_2$ ) one or more times over a vector (k), the respective vector(s) being indicative of said auxiliary data (K) and embedding said shifted watermark(s) ( $W_2'$ ) in said information signal (see column 4, lines 12-59 and column 5, line 27 to column 6, line 59). Petrovic fails to specifically teach repeatedly embedding the watermark over the information signal. Nakamura teaches a method of repeatedly embedding a watermark throughout a signal (information signal) (see column 15, lines 25-46 and column 18, lines 48-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Nakamura's method for repeatedly embedding the watermark with Petrovic's method for embedding watermarks into a signal for the purpose of increasing the difficulty in successfully copying a watermarked signal. The step of repeatedly embedding the watermark makes it harder for pirates to produce a quality reproduction without distorting the information signal.

Regarding claim 2, Petrovic as modified teaches the step of further embedding the predetermined watermark ( $W_2$ ) to provide a reference for said vector (k). (see Petrovic column 4, lines 12-59 and column 5, line 27 to column 6, line 59).

Regarding claim 3, Petrovic as modified teaches said predetermined watermark pattern ( $W_2$ ) is embedded with a different sign. (see Petrovic column 4, lines 12-59 and column 5, line 27 to column 6, line 59).

Regarding claim 4, Petrovic as modified teaches the step of embedding a further predetermined watermark ( $W_1$ ) to provide a reference for said vector ( $k$ ). (see Petrovic column 4, lines 12-59 and column 5, line 27 to column 6, line 59).

Regarding claim 7, Petrovic as modified teaches one of said embedded watermarks is the predetermined watermark pattern ( $W_2$ ), the sign of said predetermined watermark providing a reference for said vector(s)." (see Petrovic column 6, line 60 to column 8, line 51).

Regarding claim 8, Petrovic as modified teaches the step of detecting a further embedded watermark ( $W_1$ ) to provide a reference for said vector(s). (see Petrovic column 6, line 60 to column 8, line 51).

Regarding claim 9, Petrovic as modified teaches the step of detecting an embedded watermark ( $W_2'$ ) includes determining the correlation between the information signal and shifted versions of said predetermined watermark ( $W_2'$ ), the vector(s) being defined by the shifted version(s) for which said correlation exceeds a given threshold. (see Petrovic column 6, line 60 to column 8, line 51).

Regarding claim 10, Petrovic as modified teaches determining the vector ( $k$ ) by which the embedded watermark ( $W_2'$ ) is shifted with respect to a predetermined watermark ( $W_2$ ) having the same dimensions. (see Petrovic column 4, lines 24-53).

Regarding claim 13, Petrovic as modified discloses a means for disabling recording and/or playback of the signal in dependence upon auxiliary data embedded in said video signal wherein the device comprises an arrangement for detecting said

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auxiliary data as claimed in claim 12. (see Petrovic column 6, line 60 to column 8, line 51).

With respect to claims 5 and 10, the cited prior art fails to specifically teach.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Chen et al (6,233,347) discloses an adaptive system for embedding watermarks into a host signal.

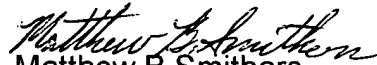
B. Kurowski (6,553,127) discloses a method for repeatedly embedding a watermark in a data stream.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B Smithers whose telephone number is (703) 308-9293. The examiner can normally be reached on Monday-Friday (9:00-5:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Matthew B Smithers  
Primary Examiner  
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